

PATENT

REMARKS

Claims 1 - 15 are pending in the present application. In the above amendments, claims 1, 7, and 12 have been amended.

Applicant respectfully responds to this Office Action.

*Claim Rejections - 35 USC § 102*

Claim 1-15 are rejected under 35 U.S.C. 102(e) as being anticipated by James U.S. patent No. 6,122,356.

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” M.P.E.P. § 2131 (July 1998) (citing Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)).

Applicant’s respectfully submit Claims 1-15 are not anticipated by James for the reasons and explanations set out below, and Applicant’s respectfully request reconsideration of the Examiner’s rejections. The discussion that follows is carried out with respect to claim 1, but the discussion applies to independent claims 7 and 12 as well.

With respect to claim 1, Applicant’s respectfully submit that amended claim 1 is not anticipated by James. In particular, James does not teach or disclose the following element of claim 1:

“An apparatus for processing calls in a spread spectrum wireless communication system,”

With respect to claim 1, the Examiner states “James teaches an apparatus for processing calls in a communication system, the apparatus comprising: a controller to receive an event message or notifications is the same as the claimed (indications) of a first call (see col.2, lines 13-15) and to instantiate a first call, the first call control state machine being used to control processing of the first call (see col. 2, lines 5-45).

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James discloses "a concurrent machine space in a telecommunication network," wherein the "telecommunication system" is described in col. 3 line 30-col. 4, line 20; FIG 1. Applicants note that the description is consistent with a land line oriented telecommunication system. (James; col. 3, lines 49-54). James nowhere mentions any elements that would indicate a wireless communication system. Also, the technique of spread spectrum communication is nowhere indicated. Therefore, James fails to teach "An apparatus for processing calls in a spread spectrum wireless communication system," and the Examiner is respectfully requested to withdraw the rejection of claim 1.

Accordingly, Applicant's submit claim 1 is in a condition allowance. Claims 2-6 depend from independent claim 1 and it follows that claims 2-6 are also in a condition for allowance.

With respect to claim 7, Applicant's respectfully submit that claim 7 is not anticipated by James for the reasons and explanations set forth with respect to claim 1. Thus, Applicant's respectfully submit claim 7 is in a condition for allowance. Since claims 8-11 depend from independent claim 7 it follows that claims 8-11 are also in a condition for allowance.

With respect to claim 12, Applicant's respectfully submit that claim 12 is not anticipated by James for the reasons and explanations set forth with respect to claim 1. Thus, Applicant's respectfully submit claim 12 is in a condition for allowance. Since claims 13-15 depend from independent claim 12 it follows that claims 13-15 are also in a condition for allowance.

**PATENT****REQUEST FOR ALLOWANCE**

In view of the foregoing, Applicants submit that all pending claims in the application are patentable. Accordingly, reconsideration and allowance of this application are earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

Dated: April 19, 2005

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